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FOR IMMEDIATE RELEASE

Terry Goddard Issues Opinion on Adult Education Eligibility

(Phoenix, Ariz. – April 6, 2007) Attorney General Terry Goddard today issued an opinion stating that the Arizona Department of Education must establish procedures to determine eligibility before persons can receive adult education services.

Proposition 300 establishes the requirement that only U.S. citizens, legal residents and others lawfully present in this country are eligible for adult education. Proposition 300 does not mandate a specific screening process. Therefore, the Arizona Department of Education is required to establish such a process. According to applicable federal guidelines, the process may include self-declarations subject to penalty of perjury or a review of appropriate documents. Any process must be implemented in a nondiscriminatory manner.

Adult education programs include general equivalency diploma programs and immigrant and adult education, including English classes and training programs. These programs are funded by the Department of Education and provided by school districts, community colleges, correctional facilities, community-based organizations and other local organizations.

"The language of Proposition 300 does not specify how to demonstrate legal residency," Goddard said. "The options provided in my opinion for the Department of Education to consider are based on federal guidance from the U.S. Department of Justice for determining eligibility for public benefits."

Proposition 300 became effective on Dec. 7, 2006. The Department of Education is required to submit a report to the Joint Legislative Budget Committee twice a year in December and June. The first report is due to the JLBC on June 30, 2007. The report must include "the total number of adults who applied for instruction and the total number of adults who were denied instruction under this section because the applicant was not a citizen or legal resident of the United States or was not otherwise lawfully present in the United States."

A copy of the opinion is attached.

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